

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

MATTHEW J. MABE,

Petitioner,

v.

COMMISSIONER OF THE VERMONT  
DEPARTMENT OF CORRECTIONS and  
STATE OF VERMONT,

Respondents.

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File No. 1:14-cv-12-jgm

**ORDER**

The Magistrate Judge's Report and Recommendation was filed October 1, 2014. (Doc. 11.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The Petitioner has not responded to the Magistrate Judge's Order to show cause why the Court should not vacate the stay imposed on May 22, 2014 and dismiss the petition. Accordingly, the stay is VACATED, and Mabe's petition seeking a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 31<sup>st</sup> day of October, 2014.

/s/ J. Garvan Murtha  
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Honorable J. Garvan Murtha  
United States District Judge